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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,205

09/15/2003

Warren T. Laurence

LAW 0101 PUS

2204

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02/16/2005

EXAMINER

NGUYEN, JOHN QUOC

ARTZ & ARTZ, P.C.

28333 TELEGRAPH RD.

SUITE 250

SOUTHFIELD, MI 48034

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,205

Applicant(s)

LAURENCE, WARREN T.

Examiner

John Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 and 13 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity and/or definiteness, it appears that "element" (claim 18, line 11) should be --portion--.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 0300357.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0300357.

Fasteners such as adhesive, magnetic, screws, and rivets are old and well known and Official Notice is hereby taken of such; therefore the use of a fastener such as one of the above would have been obvious to a person having ordinary skill in the art to fasten the roll holder to a support surface. Screw fasteners usually are provided with

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respective openings; therefore, the provision of openings such as for receiving screws would have been obvious to a person having ordinary skill in the art.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0300357 in view of Marino (US 5897074).

Marino discloses another roll holder in which overhang portions 50 and 137 are provided for hanging the apparatus. It would have been obvious to a person having ordinary skill in the art to alternatively provide the apparatus of EP 0300357 with hanging portions as taught by Marino to hang the apparatus.

Claims 8 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0300357 in view of Liebeck (US 1151887).

The EP apparatus has been advanced above. Liebeck discloses a roll holder having endcaps a and b. It would have been obvious to a person having ordinary skill in the art to provide the EP apparatus with endcaps as taught by Liebeck to protect the roll from the environment. Fasteners such as adhesive, magnetic, screws, and rivets are old and well known and Official Notice is hereby taken of such; therefore the use of a fastener such as one of the above would have been obvious to a person having ordinary skill in the art to fasten the roll holder to a support surface. Screw fasteners usually are provided with respective openings; therefore, the provision of openings such as for receiving screws would have been obvious to a person having ordinary skill in the art.

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Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0300357 in view of Liebeck as applied to claims 8 and 14-17 above, and further in view of Rao (US 5439521).

Rao discloses the use of rib and groove for snap fitting endcap 208 (see column 6, lines 21-28). It would have been obvious to a person having ordinary skill in the art to alternatively provide the endcap of the EP apparatus modified as above with snap-fitting rib/groove as taught by Rao to obtain a frictionally tight closing. The notch of claim 9 reads on the groove. That the rib is on the endcap or on the tubular portion (and vice versa for the groove) would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference, design criteria, space optimization, and costs.

Claims 18-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. The prior art of record does not show or render obvious an apparatus as recited in claim 18.

Applicant's arguments with respect to claims 1, 8, and 18 have been considered but are moot in view of the new ground(s) of rejection necessitated by the newly added limitations therein.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

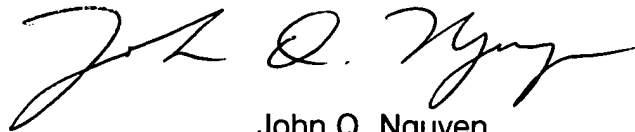
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (703) 308-2689. The examiner can normally be reached on Monday-Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "John Q. Nguyen". The signature is fluid and cursive, with the first name "John" and last name "Nguyen" clearly distinguishable.

John Q. Nguyen
Primary Examiner
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